

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: EAST PALESTINE TRAIN DERAILMENT

**CASE NO. 4:23-CV-00242-BYP
JUDGE BENITA Y. PEARSON**

**NOTICE FROM PLAINTIFFS AND NORFOLK SOUTHERN OF
SETTLEMENT AGREEMENT IN PRINCIPLE AND
MOTION TO STAY DEADLINES AS TO PLAINTIFFS' CONSOLIDATED CASE**

1. Plaintiffs and Norfolk Southern Railway Company and Norfolk Southern Corporation (“Norfolk Southern”) are pleased to report they have reached an agreement in principle to resolve this putative class action lawsuit, including all consolidated cases before this Court, against Norfolk Southern and the Railcar Defendants (GATX Corporation, General American Marks Company, OxyVinyls LP, and Trinity Industries Leasing Company). Subject to this Court’s approval, this \$600 million settlement would resolve all class action claims within a 20-mile radius from the derailment and, for those residents who choose to participate, personal injury claims within a 10-mile radius from the derailment. It follows extensive fact discovery, expert development, and three days of mediation before former federal district judge Layn Phillips.

2. In light of this agreement in principle, Plaintiffs and Norfolk Southern jointly move the Court to stay all obligations and deadlines as to the Plaintiffs’ consolidated case (all individual or putative class action complaints filed in this Court that have been, or are in the future, consolidated into the above-captioned action) against Norfolk Southern and the Plaintiffs’ consolidated case against the Railcar Defendants, including all such obligations and deadlines set forth in the Case Management Conference Order and Plan (ECF No. 98), as amended (ECF No.

432), pending the filing of preliminary and final approval papers. Plaintiffs expect to file the motion for preliminary approval no later than April 19.

3. This agreement in principle does not resolve, and expressly preserves, Norfolk Southern's third-party claims against the Railcar Defendants. Accordingly, neither Plaintiffs nor Norfolk Southern seeks any modification of any obligations or deadlines with respect to the Third-Party Complaint (ECF No. 119), including any obligations or deadlines set forth in the Case Management Conference Order and Plan, as amended, with respect to the Third-Party Complaint.

Dated: April 9, 2024

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/s/ Seth A. Katz

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2024, a copy of the foregoing was filed electronically.

Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Alan Schoenfeld
Alan Schoenfeld